From: Jump, Christine
To: Michael Stephenson
Subject: RE: Wichita CMS Activities
Date: Monday, December 08, 2014 3:15:00 PM
Attachments: draft RSP Guide.docx
dft RSP agenda.pdf

Mike-

Attached is a draft guide and agenda developed for the Lean remedy selection process. These have not gone through the final review process and may change in the future, but this gives you an idea of the types of discussion and decisions that will take place during the lean Remedy Selection Process.

I have not had a chance to review the permit yet, but we will need to make sure that we don't contradict anything in the permit. I anticipate that the permit will be modified when we select a final remedy for the site, but until then we need to make sure we follow the permit. I will try to take a quick look at it tomorrow. We could potentially talk tomorrow late afternoon.

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From: Michael Stephenson [mailto:mstephenson@cameron-cole.com]
Sent: Monday, December 08, 2014 1:08 PM
To: Jump, Christine
Subject: Wichita CMS Activities

HI Chris,

I am in the process of putting together the scope of work for Wichita next year and am reviewing the permit to identify all of the requirements.

There are numerous components to the CMS process identified in the permit, and I know you and I have discussed the possibility of applying a streamlined CMS process to the site in light of the IRM work this year. Requirements III.I to III.M-3 pertain to the CMS process and I'd like to discuss with you what the streamlined process may look like so I can appropriately plan for these activities next year.

Do you have any materials from the various meetings that you could share with me or perhaps we could have a call to discuss what the scope of work would need to include? I'm available all week for a call, but would like to have this ironed out to the extent possible by Wednesday or so. Please

let me know if you have some free time to discuss this issue.

Thanks,

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AGENDA FOR REMEDY SELECTION PROCESS (RSP) MEETING
DATE: TBD
LOCATION: TBD

INTRODUCTION

For regulators and facilities wishing to utilize the Lean approach to Remedy Selection, EPA is providing this model RSP Meeting Agenda to assist in scoping and planning of the RSP Meeting. The RSP Meeting Agenda can be an important tool to ensure that an efficient RSP is followed without requiring the production of unnecessary documents. The elements included in the model agenda are intended as suggestions to assist in determining the appropriate remedy selection process to use at the site . This process may vary significantly based on site-specific details. Users would seek to identify elements of the site that may allow the remedy selection process to move forward without a corrective measures study work plan or, in some cases without a corrective measures study. This would allow remedy implementation to move forward in accordance with regulations but with fewer document reviews and potential delays. Adapt this model agenda as appropriate for each facility.

For more information about the RSP Meeting and the resulting RSP document (RSPD), please see the RSP Guide and RSPD Template.

To facilitate the most effective RSP meeting possible, it is important that the meeting participants make an effort to ensure that all relevant documents are available for review prior to, and during, the RSP Meeting. A list of documents for possible exchange follows. While EPA expects that often the regulatory authority (EPA and/or State) and facility will already have the same documentation, careful planning can help identify the most recent revisions to documents or documents missing entirely. A successful outcome to the RSP meeting is much more likely if the parties concur prior to or early in the meeting that the RFI is sufficient and that the conceptual site model is valid. Advance discussions between the participants can also help identify other relevant information.

Recommended Documents From Facility:

- Background information (items usually included in the Current Conditions Report)
- Stakeholder Analysis with clear roles and responsibilities (e.g., facility, technical support, public facilitator, other)
- Closure information/ post-closure information
- Relevant data from other programs
- RFI Report (or draft RFI)
- Interim Measures work plans and reports, if implemented.
- Results from pump tests
- Pilot Study Data, if implemented

Recommended Documents From Lead Agency:

- Stakeholder analysis with clear roles and responsibilities (e.g., lead agency, support agency, technical support, public, facilitator, other)

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- RCRA Facility Assessment
- Environmental indicator assessment
- SWMU calling letter
- Permit/order
- Closure information / post-closure information
- Presumptive remedy guidance/examples

PARTICIPANTS

Lead Agency Project Manager*
Lead Agency Supervisor*
Lead Agency Technical Support (hydrogeologist, risk assessor, etc.)
Lead Agency Legal
Facility Project Manager*
Facility Supervisor*
Facility Technical Support (hydrogeologist, risk assessor, etc.)
Facility Legal
Support Agency
* - Suggested minimum participants

ROLES & RESPONSIBILITIES

Lead Agency – Provides legal and technical oversight of remedy selection process.
Support Agency – Provides technical guidance, represents support agency interests, and supports Lead Agency in formulating goals and expectations to obtain final concurrence.
Facility – Facilitates RSP Meeting, Evaluates remedy alternatives, collects and analyzes data (if necessary), recommends path forward through process.

TOPICS FOR DISCUSSION & AGREEMENT

I. Introductions
II. Reaffirm goals and objectives for RSP meeting and RS process (Reach Agreement for approaches for selecting the final Remedy)
III. Discuss any permits or orders at the facility and remind all participants that the RSP process is not legally binding or intended to alter any legal requirements at the site unless the permit (or order, for interim status facilities) expressly incorporates the RSP.
IV. Discuss Project Communication Plan
V. Identify Roles and Responsibilities
VI. Summary and concurrence of the RFI and the Site Conceptual Model as it pertains to remedy selection
VII. Develop Corrective Action Objectives
    a. Point of Compliance
    b. Media Cleanup Standards (list of impacted media at the site, data averaging, background)

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c. Aquifer use classifications
d. Land use/reasonably expected future use in relation to characterization and remediation
e. Timeframes for achieving cleanup objectives
f. Exit strategy

VIII. Remedial Strategy (including risk management approach and suite of potential remedial alternatives)

a. Discussion of 3 required threshold criteria
    i. Protect Human Health and the Environment
    ii. Attain Media Cleanup Standards
    iii. Control Source(s) of the Release
b. Discussion of how 7 balancing criteria are to be applied
    i. Long-term Effectiveness
    ii. Toxicity, Mobility, and Volume Reduction
    iii. Short-term Effectiveness
    iv. Implementability
    v. Cost
    vi. Community Acceptance
    vii. State Acceptance
c. Identify Alternative(s) to be considered
    i. Current interim measures, appropriate for final remedy?
    ii. Presumptive remedies
    iii. Media specific remedies
    iv. SWMU/AOC/Unit specific remedies
    v. Institutional Controls and their implementability,Engineering Controls and post implementation care
d. Identify data gaps or needs to evaluate and/or support Remedial Alternatives
    i. Pump tests
    ii. pilot studies
    iii. additional investigation, delineation/characterization
    iv. research

IX. Identify Remedy Selection Path

a. No CMS Report needed, Go to Statement of Basis
    i. Is there a single dominant alternative?
    ii. Does the single remedy achieve the 3 threshold criteria?
    iii. Is remedy reasonable with regards to balancing criteria?
    iv. List documents needed (may be Region Specific) for Agency to prepare Statement of Basis
b. CMS needed, but no CMS Work plan required; RSP document sufficient
    i. Confirm all final alternatives being considered meet 3 threshold criteria

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ii. Develop consensus on how balancing criteria will be applied.
iii. Determine if workplans are necessary for additional data collection

c. CMS needed and CMS workplan necessary
i. Identify why CMS workplan is necessary in addition to RSP document.
ii. Confirm all final alternatives being considered meet 3 threshold criteria
iii. Develop consensus on how balancing criteria will be applied.
iv. Determine if workplans are necessary for additional data collection

X. Scope CMS Work Plan (if necessary, Agency review required)

XI. Scope Data Collection Work Plan (if necessary)
a. Determine whether Agency review and approval required

XII. Scope CMS Report

XIII. Other Potential Issues
a. Schedule of deliverables (e.g., CMS Report)
b. Format for Reports, data/ information exchange/submissions
c. Interim submissions (e.g., Pilot Study Report)
d. Financial Assurance Expectations
e. Stakeholder Considerations (if any)
f. Community Engagement Planning

XIV. Draft Summary of RSP Meeting (brief written document by the end of the meeting)

XV. Preparation of final RSP Document by the facility for agency and facility acceptance.

EXPECTED SESSION OUTCOMES

Expected outcomes correspond with roman numerals in topic for discussion outline.

I-V. Common understanding of the roles and responsibilities of the regulatory authority (EPA and/or State) and facility as well as understanding the RSP process/ meeting objectives;

VI. Common understanding of current conditions and site conceptual model

VII-VIII. Identification and concurrence of corrective action objectives for the site including point of compliance and risk based management strategy;

IX. Common understanding of remedy selection process including need for CMS Report, CMS Work Plan or need for additional data collection, and identification of site-specific remedial alternatives for consideration;

X-XI. Common understanding of scope of reports, and workplans if necessary, to be prepared with the goal of creating approvable documents with the goal of no revisions; and

XII. Summary of the RSP meeting and a finalized RSP document with a schedule of deliverables.

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Remedy Selection Process Guide

Introduction

In an effort to enhance the efficiency of the RCRA Corrective Action Program, the Lean process improvement system was used to analyze the RCRA Remedy Selection Process (RSP), which often, traditionally includes a Corrective Measures Study (CMS). The Lean process refers to a collection of principles and methods that focus on the systematic identification and elimination of non-value added activity involved in producing a product or delivering a service to customers.

EPA believes that viewing the RSP through a Lean perspective could help stakeholders focus on the goals of remedy selection and the intended outcome of a CMS rather than on the process and document itself. This could result in reducing or completely eliminating unnecessary steps and/or unnecessary documents and expediting the remedy selection process. A flexible approach to remedy selection was provided for and documented in the May 1, 1996 Advanced Notice of Proposed Rulemaking (ANPR, 61 FR 19432) which was not finalized but is considered guidance for the corrective action program. A Lean analysis of the RSP conducted in compliance with this guidance was used to develop tools for regulators and facilities wishing to utilize this streamlined, goal focused, Lean approach to the RCRA RSP at their own facilities. These tools include – this Remedy Selection Process Guide (RSP Guide), a model Remedy Selection Process Meeting Agenda (RSP Meeting Agenda) and a model Remedy Selection Process document Template (RSPD Template).[1] In this RSP guide, EPA discusses how it envisions using a Lean approach to select a site remedy by focusing on the ultimate goal and identifying key steps and considerations that are important to selecting an appropriate, site-specific remedy without taking unnecessary steps or generating unnecessary documents. This guide focuses primarily on producing a Remedy Selection Process Document (RSPD). The RSPD is generally intended to document the site-specific approach that will be used to select a proposed remedy for the facility. For some facilities, it is anticipated that the RSPD may actually present the evaluation and propose the preferred remedial alternative for the site.

[1] This document and the attachments are intended to provide guidance to EPA personnel on implementing the RCRA Subtitle C program. As indicated by the use of non-mandatory language such as "guidance," "recommend," "may," "should," and "can," it identifies policies and provides recommendations and does not impose any legally binding requirements. This document and the attachments are not a rule or regulation, may not apply to a particular situation based upon the circumstances, do not change or substitute for any law, regulation, or any other legally binding requirement and are not legally enforceable. While EPA has made every effort to ensure the accuracy of the discussion in these documents, the obligations of the regulated community are determined by statutes, regulations or other legally binding requirements. In the event of a conflict between the discussion in these documents and any statute or regulation, these documents would not be controlling. In addition, under RCRA, States may apply to EPA for, and receive from EPA, authorization of a state program to operate in lieu of the federal RCRA hazardous waste program. These state programs may be broader in scope or more stringent than EPA's RCRA regulations, and requirements can vary from State to State. Members of the regulated community are encouraged to contact their State agencies for the requirements that apply to them.

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The RSP Guide, Meeting Agenda, and Template can be used to facilitate an efficient remedy selection process at facilities where Regional EPA, State, and Facility representatives believe that applying Lean strategies would be beneficial. These 3 documents can be valuable tools to potentially reduce redundancies, eliminate unnecessary steps and/or documents, and expedite final remedy selection at RCRA Corrective Action sites

RSP Meeting

Under EPA's Lean concept for Remedy Selection, the RSP Meeting is a meeting between the regulatory authority (EPA and/or State) and facility representatives which would typically occur after the RFI phase of the Corrective Action process is finalized. The primary purpose of the meeting is for the regulatory and facility representatives to use the information gathered during the RFI to develop and document a process to follow for selecting a remedy at the site. In keeping with the lean concept, the goal of selecting an appropriate remedy that meets corrective action objectives (CAOs) and complies with defined selection criteria is the primary focus of the RSP meeting and the process to achieve that goal can be selected and modified based on site-specific conditions. Three potential remedy selection paths were identified during the lean analysis: 1) no CMS report is necessary, move forward on the Statement of Basis; 2) a focused CMS report is necessary but no CMS work plan is required; and 3) a CMS work plan and CMS report are required. An appropriate path for a facility can be determined during the RSP meeting based on site-specific elements that may include, but are not limited to; contaminant(s) present, media(s) impacted, hydro geologic complexity of the site, risk factors present, remedial alternatives to be considered, and whether or not interim measures were implemented.

Anticipated outcomes from the RSP meeting include:

- A common understanding of the roles and responsibilities for the regulatory authority (EPA and/or State) and facility as well as an understanding of the process to select a remedy;
- A common understanding of current conditions and the conceptual site model (including identification of potential data gaps or additional data needs related to remedy selection);
- Identification and concurrence of CAOs for the site, including the point of compliance and risk-based management strategy;
- A common understanding of the site-specific remedial alternatives to be considered, the criteria used to evaluate those alternatives, and the documents (e.g. work plans, reports) necessary to perform and present that evaluation;
- A common understanding of the scope of work plans, reports, and/or documents to be submitted; and
- A Summary of the RSP meeting and a finalized RSP document with a schedule of deliverables.

The RSP Meeting would typically be facilitated by representatives of the facility. This is because the facility is responsible for evaluating remedial alternatives, collecting and analyzing data to support remedial alternatives, and proposing the selected remedy to the agency. A successful outcome to the RSP meeting is much more likely if the parties concur prior to the meeting that the RFI is sufficient and that the conceptual site model is valid. The EPA has developed tools to help

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the parties evaluate these issues. (reference EPA evaluation tools) If discussion of the RFI and/or conceptual site model is ongoing, these discussions should occur upfront, and it may be beneficial to allow more than one day for the RSP meeting.

Advance discussions between the participants can help identify issues that need to be resolved prior to remedy selection or other relevant information that may need to be included in the site-specific RSP meeting agenda.

Remedy Selection Process Document (RSPD)

After the RSP meeting, a RSPD is drafted, typically by a facility representative. The RSPD documents the process and details of remedy selection agreed upon during the meeting, including a schedule of deliverables. The RSPD can be a useful tool to streamline selection of a site remedy and eliminate unnecessary steps; however, it is important to note that, like a CAF document, the RSPD itself is not a legally binding document and does not create new legal obligations or limit or expand obligations under any federal, state, tribal or local law. The RSPD is also not a substitute for a permit or order. The RSPD may only alter legal obligations when it is explicitly incorporated or referenced in a new permit (or order, for interim status facilities) or through a permit or order modification (or order modification for interim status facilities). Thus (unless so incorporated or referenced) the obligations in a permit or order would control over any conflicting RSPD provisions. Therefore, to maximize the usefulness of the RSPD, parties should be careful to either work within the scope of any existing obligations contained in any permit(s) and/or order(s) when developing their RSPD, or to modify the permit consistent with the requirement in 40CFR sections 270 and 124.

The RSPD documents the information discussed in the RSP Meeting and presents site-specific details regarding the process for remedy selection that were agreed upon during the meeting. A RSPD would typically include: identification of CAOs, identification of data gaps or data needs for evaluating remedies; a list of remedial alternatives considered and whether they meet the 3 required threshold criteria; documentation of how balancing criteria, if necessary, will be used or weighted in the remedy selection process; whether a CMS work plan and/or CMS report will be necessary; and a list and schedule of necessary deliverables (e.g., data collection work plan, CMS report, proposed remedy). At some facilities, such as ones where presumptive remedies are available or where successful interim measures have been implemented, the parties may agree that a CMS Report is not necessary and the RSPD would fulfil the function of the CMS and remedy proposal from the facility. This would allow the agency to move directly to development of the Statement of Basis. It is crucial that community engagement steps are considered in conjunction with development of the RSPD. At a minimum, a public comment period and response to comments would be necessary for the Statement of Basis.

Finally, under this approach the RSPD would be treated as a living document subject to change, based on things such as, but not limited to; additional data collection, changes in risk factors, or public comments. Changes may be documented through either addenda to the RSPD or complete redrafts; depending on the degree of change necessary.

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